

RECEIVED
CENTRAL FAX CENTER

REMARKS

NOV 30 2006

Claims 1-41 are pending. Claims 1-41 are rejected.

Claims 1 and 28 have been amended to clarify that the automated dialog is "non-predefined to the system," separating it from dialogs that are predefined to the system (e.g., dialogs selected from a pick-list), such as those in Rapaport et al.

Other claims have been amended to remove the redundant term "at least one." Applicants assert that this amendment does not change the scope of the claims, as there are always "at least one" of something.

Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,034,691 B1 (Rapaport et al.).

Turning to claim 1, the system of the claimed invention includes "a definer that is accessible to a configuror, the definer configured to allow for the assemblage of the automated dialog via a non-program coding interface, *the automated dialog being non-predefined to the system*". *In contrast, the automated dialog of the Rapaport et al. system is predefined to the system, as it is selected from a list of defined dialogs. As the Rapaport et al. system does not contemplate non-predefined automated dialogs, it cannot contain the definer element of the claimed invention, as "automated dialogs being non-predefined to the system" is integral to the definer.*

Moreover, the claimed invention requires a data module "...that is incorporated into the automated dialog after assemblage, the data module comprising an information item about a recipient of the automated dialog"; however, as *the Rapaport et al. system does not contemplate an "automated dialog being predefined to the system"*, *it cannot contain the data module element of the claimed invention, as "automated dialogs being non-predefined to the system" is integral to the data module.*

Finally, claim 1 requires a “an executor that incorporates the automated dialog and the data module into a joinder communication”; however, as the Rapaport et al. system does not contemplate an “automated dialog being predefined to the system”, it cannot contain the executor element of the claimed invention, as “automated dialogs being non-predefined to the system” is integral to the executor.

Consequently, Rapaport et al. does not anticipate claim 1, as it is missing at least three of the four elements of the claimed invention..

Similarly, Rapaport et al. cannot anticipate claim 2-27, because these claims depend upon claim 1.

Applicants respectfully point out that while the Examiner peripherally addresses claims 28-41 as being “similar in scope and content to claims 1-27 and therefore rejected under a similar rationale” the claims are different in scope. The Examiner fails to even address any elements anticipating claims 28-41.

Applicants respectfully request a withdrawal of the rejections.

RECEIVED
CENTRAL FAX CENTER

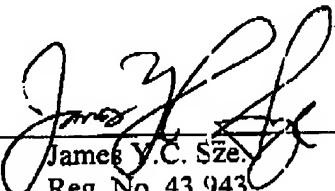
NOV 30 2006

CONCLUSION

For the reasons described and supported above, Applicants respectfully submit that all pending claims are now in condition for allowance. That said, should any issues or questions remain, the Examiner is encouraged to telephone the undersigned at (619) 744-2293 so that they may be promptly resolved. In the unlikely event the transmittal letter is separated from this document and the Office determines that an extension and/or other relief is required, Applicants petition for any required relief, including extensions of time, and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due or credit any overpayments in connection with the filing of this document to Deposit Account No. 04-1679.

Respectfully submitted,

By:


James Y.C. Sze
Reg. No. 43,943

Duane Morris LLP
Customer Number 53897
101 West Broadway, Suite 900
San Diego, CA 92101
(O) 619.744.2293
(F) 619.744.2201